

****NOT FOR PRINTED PUBLICATION****

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

RICHARD WAYNE TAYLOR	§	
VS.	§	CIVIL ACTION NO. 9:19cv149
DIRECTOR, TDCJ-CID	§	

**ORDER OVERRULING OBJECTIONS AND ACCEPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Richard Wayne Taylor, inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a conviction for murder. He has filed a motion for partial summary judgment (docket number 6) concerning one of his grounds for review.

The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this Court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the motion for partial summary judgment be denied.

In his motion, petitioner asserts he is entitled to summary judgment with respect to his ground for review asserting there were certain irregularities regarding the oath of office of the judge who presided over his criminal proceeding. The Magistrate Judge concluded the motion was without merit because it concerned violations of state law and therefore did not provide petitioner with a basis for relief in this proceeding.

In his objection, petitioner asserts that the irregularities regarding the judge's oath of office violated his right to due process and made the acts of the trial judge void. He also asserts that the irregularities provide him with a basis for relief.

After considering petitioner's arguments, the court agrees with the Magistrate Judge's conclusion. "[F]ederal habeas relief does not lie for errors of state law. It is not the province of a

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federal habeas court to reexamine state-court determinations on state-law questions.” *Wilson v. Corcoran*, 562 U.S. 1, 5 (2010) (internal punctuation and citations omitted). A claim regarding the oath of office of a judge who presides over a state criminal trial arises under state law and is therefore not cognizable on federal habeas review. *Turner v. Quarterman*, 2009 WL 2406203, at *8 (W.D. Tex. Aug. 3, 2009); *Ramos v. Dretke*, 2005 WL 39144, at *3 (N.D. Tex. Jan. 6, 2005). As a result, petitioner is not entitled to partial summary judgment.

ORDER

For the reasons set forth above, petitioner’s objections are without merit and are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ACCEPTED** as the opinion of the court. Petitioner’s motion for partial summary judgment is **DENIED**.

So Ordered and Signed

Jul 25, 2020



Ron Clark
Senior Judge